

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

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U.S. BANKRUPTCY COURT
ROME DIVISION

2013 AUG 23 PM 1:39

RE: CHARLENE M. BAUGH,

Case No: 13-41992 M. REGINA THOMAS
CLERK

Debtor,

Chapter: 13

BY MTB
DEPUTY CLERK

DEBTOR'S ADVERSARY PROCEEDING

CHARLENE M. BAUGH,

13 - 4035

Petitioner,

Case No: _____

v.

MAJOR MOTORS, INC.

Respondents.

COMES NOW Charlene Baugh, debtor/petitioner do seek relief before this
Honorable Court by and through this adversary proceeding against the named respondent
pursuant to the Federal Rules of Bankruptcy and state the following:

STATEMENT OF THE FACTS

The named respondent is identified in schedule G of the ongoing voluntary chapter
13 bankruptcy filed by this petitioner as being in an executory contract with this petitioner
and holding a lien to the 1998 Mercedes C280 identified within schedule G. The
respondent was misidentified within the initial filings of the bankruptcy but was amended
to be properly identified on or about August 22, 2013.

The named respondent was in fact served a copy of all bankruptcy filings within
the ongoing bankruptcy action and was informed of the misidentification issue.

On the afternoon of August 17, 2013, this petitioner spoke with a person

identifying herself as counsel for Major Motors at which time, this petitioner offered to make a payment outside of the bankruptcy directly to Major Motors either directly to the individual identifying herself as counsel or directly to the dealership but was told that neither could accept any money towards a vehicle payment because of the bankruptcy filings that they were informed about.

After attempting to negotiate any payment terms outside of the ongoing bankruptcy action and was refused by the respondents and their attorney, the respondents stated that they would repossess the vehicle and would be selling that vehicle at an auction.

On the morning of August 19, 2013, the respondents arrived at this petitioner's place of employment and repossessed the identified 1998 Mercedes C280 and refused to communicate with this petitioner concerning any efforts to transact money either directly from her or by and through the ongoing bankruptcy action.

The respondents are in violation of the United States bankruptcy codes given that they were properly notified of the ongoing bankruptcy action identifying this debtor therein, given that they were identified as a creditor holding lien to this petitioner's personal automobile used to travel back and forth to work in her efforts to fund the voluntary bankruptcy action, and given that the respondents have forcibly taken property from the estate of the ongoing bankruptcy action in clear disregard of known and established bankruptcy laws and rules with the absolute intent of selling that property for personal gain without first obtaining leave of the court to conduct such a sell.

JURISDICTION

The respondents are subject to the jurisdiction of this Honorable Court given that they were identified as a creditor within this petitioner's ongoing bankruptcy action, were served notice of that ongoing bankruptcy action and committed the acts identified herein after the fact that they were notified of the ongoing bankruptcy action.

DAMAGES

The acts of the respondents as identified herein have caused this petitioner to suffer the loss of reliable and suitable transportation to be used to travel back and from her place of employment in her efforts to fund the ongoing voluntary bankruptcy described herein. As a result, this petitioner suffers the loss of the use of the vehicle identified as property of the estate of the ongoing bankruptcy action filed by this petitioner. This petitioner have suffered mental anguish, mental stress and mental strains, public embarrassment.

RELIEF SOUGHT


This petitioner seeks the immediate return of the 1998 Mercedes C280 back to her in good working condition, and a cash award to compensate her for all expenses incurred by her securing a source of transportation back and to work, and the petitioner further seeks any other just and adequate relief deemed appropriate by this Honorable Court in light of the blatant disregard for the bankruptcy laws undertaken by the respondents.

CONCLUSION

The respondents actions are in violation of the laws of the United States of America and offend against the very spirit of the United States bankruptcy process as they seek to undermine the legal process on multiple levels.

For the reasons stated herein and for others not stated, this petitioner respectfully
submit this complaint for the damages identified herein.

Respectfully submitted on this 23rd day of August, 2013.


Charlene Baugh
10 Carriage Hill Drive
Cartersville, GA 30120
678-360-7610